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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

JOHN GILBERT,)	
)	
Plaintiff,)	
)	
vs.)	
)	
APC NATCHIQ, INC.)	
)	
Defendant.)	
<hr/>) Case No. 3:03-CV-00174 RRB

ORDER

It is hereby ordered that defendant shall pay plaintiff a 90-day penalty pursuant to AS 23.05.140(d). If there is an award of liquidated damages in this case, and plaintiff elects to collect the liquidated damages rather than the 90-day penalty, the plaintiff may do so, the plaintiff shall only be entitled either liquidated damages pursuant to the State act or the 90-day penalty not both.

District Court Judge

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been
Sent electronically to the following attorney(s) and/or
parties of record:

Patricia Zobel

DeLisio Moran Geraghty & Zobel

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Dated: 8/4/06

By: /s/ Emily S. Ervin
Emily S. Ervin for Kenneth L. Covell